THE ENVIRONMENT PROTECTION ACT

Regulations made by the Minister under section 96 of the Environment Protection Act

1. These regulations may be cited as the Environment Protection (Banning of Plastic Bags) (Amendment) Regulations 2015.

2. In these regulations –

3. Regulation 2 of the principal regulations is amended –
   
   (a) by deleting the definitions of “plastic” and “plastic bag”;
   
   (b) by inserting, in the appropriate alphabetical order, the following new definitions –
   “ASTM” means the American Society for Testing and Materials;

   “biodegradable plastic bag” means a plastic bag that undergoes degradation as a result of the action of naturally occurring microorganisms such as bacteria, fungi and algae;

   “compostable plastic bag” means a plastic bag that undergoes degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and leave no visible, distinguishable or toxic residue;

   “EN” means the European Committee for Normalisation;

   “ISO” means the International Standards Organisation;
"plastic" means petroleum-based plastic material;

"plastic bag" –

(a) means a bag of any size or type made of plastic, with or without handles or gussets, designed for carrying goods; and

(b) includes a non-woven polypropylene bag; but

(c) does not include an exempted plastic bag;

"non-woven polypropylene bag" means a bag made up of petroleum-based thermoplastic polymer material;

"particulars" means –

(a) the name and contact address of the importer, as applicable;

(b) the name and contact address of the manufacturer, as applicable;

(c) the country of origin;

(d) the batch number and production date;

(e) the standard complied with;

"standard" means the appropriate standard specified in the Third Schedule.

4. Regulation 3 of the principal regulations is revoked and replaced by the following –

3. (1) These regulations shall apply to plastic bags designed to carry goods purchased at a point of sale.

(2) These regulations shall not apply to Rodrigues.

(3) In this regulation –

"point of sale" includes a wholesale or a retail outlet, a market, a fair and a hawker.
5. The principal regulations are amended by inserting, after regulation 5, the following new regulations –

5A. (1) No person shall import a biodegradable plastic bag or a compostable plastic bag unless he holds a clearance from the Director.

(2) For the purpose of obtaining the clearance under paragraph (1), an importer shall make an application to –

(a) the Director one month prior to the shipment of the consignment; and

(b) submit an original certificate of conformity or a certified copy of the original certificate of conformity to the appropriate standard, specified in the Third Schedule, issued by a body recognised by the Mauritius Standards Bureau.

5B. (1) Subject to paragraph (2), the Director-General of the Mauritius Revenue Authority shall not release any consignment of biodegradable or compostable plastic bag which is in his custody unless the Director grants a clearance to the importer.

(2) Where the Director is satisfied that the failure to comply with regulation 5A was due to a reasonable cause, he may allow the consignment to be cleared and kept in the custody of the importer under seal of the Director pending the granting of the clearance.

5C. Where a consignment of plastic bag has been imported in breach of these regulations, the Director may order the importer to reship or dispose the consignment, at his own expense, in such manner as the Director may determine.

5D. Where a consignment of plastic bags has not been claimed, the Director-General of the Mauritius Revenue Authority shall
inform the Director who shall take over the consignment and
dispose of it in such manner as the Director may determine.

5E. No person shall manufacture a biodegradable plastic
bag or a compostable plastic bag which do not conform to the
appropriate standard specified in the Third Schedule.

5F. Where any plastic bag is manufactured in breach of these
regulations, the Director may order the manufacturer to dispose
of the plastic bag, at his own expense, in such manner as he may
determine.

6. The First Schedule to the principal regulations is amended by
adding the following new paragraphs, the word “and” at the end of
paragraph (h) being deleted and the full stop at the end of paragraph
(i) being deleted and replaced by a semicolon—

(j) a biodegradable plastic bag on which particulars are
conspicuously displayed; and

(k) a compostable plastic bag on which particulars are
conspicuously displayed.

7. The Second Schedule to the principal regulations is revoked
and replaced by the Second Schedule set out in the First Schedule to
these regulations.

8. The principal regulations are amended by adding the Third
Schedule set out in the Second Schedule to these regulations.

Made by the Minister on 4 December 2015.
FIRST SCHEDULE  
[Regulation 7]

SECOND SCHEDULE  
[Regulation 5(2)]

REGISTRATION FORM FOR MANUFACTURERS OR IMPORTERS OF BAGS SPECIFIED IN THE FIRST SCHEDULE

Name of applicant ..................................................

Address ..................................................................

Office phone number .............................................

Mobile number ......................................................

Fax number ...........................................................

Email address ........................................................

Name of contact person of applicant ..........................

Please fill in as appropriate

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<tr>
<td><strong>1.</strong></td>
<td>Business Registration number of manufacturer ..............................................</td>
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<td>(1) Date of issue and reference number of PER Approval (Copy to be attached) ..............................................</td>
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<td>(2) Date of issue and reference number of Development Permit or Building and Land Use Permit (copy to be attached) ..............................................</td>
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<td>(3) Recent copy of trade fee receipt (copy to be attached)</td>
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<td>(4) Type of bag to be manufactured ..............................................</td>
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<td><strong>2.</strong></td>
<td>Business Registration number of importer ..............................................</td>
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<td>Type of bag to be imported ..............................................</td>
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I apply to be registered as –

☐ manufacturer of exempted plastic bags and/or
☐ importer of exempted plastic bags.

Please tick as appropriate

I hereby confirm that I have taken cognizance of the Environment Protection (Banning of Plastic Bags) Regulations 2015 and I undertake to comply with the terms and conditions therein.

....................................................  ....................................................
Date                                      Signature of applicant

FOR OFFICE USE ONLY

Registration number ..........................................................

Issued on ..........................................................

Reference .................................................... Date ..................................
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<th>Type of plastic bags</th>
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